

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, April 23, 2009
Mt. Olympus Room
4580 S 2300 E
Holladay, Utah 84117**

BRIEFING SESSION - 5:00pm

ATTENDANCE

Mayor Dennis Webb
Lynn Pace
Patricia Pignanelli
J. James Palmer, Jr.
Barry Topham
Grant Orton

City Staff
Randy Fitts, City Manager
Stephanie Carlson, City Recorder
Ryan Bjerke, Legal Counsel
Clarence Kemp – City Engineer

Mayor Webb conducted the briefing session which was called to order at 5:34 pm. The Council reviewed the agenda.

The Council discussed the letter to Cottonwood Heights and asked that there be some additions that would include: fundamental fairness and that the developer noted that a six story building is profitable.

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**April 23, 2009
Council Chambers
4580 S 2300 E
Holladay, Utah 84117**

Council Meeting – 6:00pm

ATTENDANCE

Mayor Dennis Webb
Grant Orton
Lynn Pace
Patricia Pignanelli
J. James Palmer, Jr.
Barry Topham

City Staff
Randy Fitts, City Manager
Stephanie Carlson, City Recorder
Ryan Bjerke, Legal Counsel

Citizens: Doug Stark, Pam Hanrahan, Jan McGrath, Mark Severson, Jim & Sophie Orvin, Greg Rynders, Marty Slack, James Glascock, Lorene Gibson, Rep. Carol Spackman Moss, Paul & Marilyn Whitehead, Chip Hopkins, Robert & Carol Hintze, Michelle Elton, David Wright, David Allen, Craig Ward

I. *Welcome*

Mayor Webb called the meeting to order at 6:05 pm and welcomed those in attendance.

II. *Pledge of Allegiance*

The Pledge of Allegiance was led by Marta Dopita, Youth City Council.

III. *Public Comments*

David Afflac – 5080 Cottonwood Ln. He pleaded for help with the constant flooding problem on his property. He has spent over \$200,000 in repairs to his home due to the flooding, which is a combination of water diversion and that his property sits low. The water pours down the driveway and damages the homes foundation. He is asking for help to alleviate this problem. It was noted that Council Member Topham, Clarence Kemp and Manager Fitts have met with him and Janae Galanis regarding this issue.

Janae Galanais – 5089 S Cottonwood Ln. Council Member Topham reviewed the letter he received and asked that the letter be included in the minutes since Ms. Galanis was unable to attend. She asked for help and relief from the commingling of storm drain water with irrigation water. *(a copy of the letter is attached to these minutes.)*

Greg Rynders & James Orton – 4809 & 4815 S Marabow Cir. They have been working with the city to solve the Wren Hollow drainage problem. There are eight streets that drain into the ditch. The issues of concern are: standing water, rat infestation, debris and chemicals carried down the ditch, erosion and

potential injury. This is an issues inherited from the County and has been a problem since 1978. They have already half of it buried with the help of Mr. Kemp and Mr. Fitts. Now they are asking to have the remainder of the ditch piped.

Doug Stark – 2698 Wren Rd. He thanked the city for their help with the Community Garden and provided the Council with an update. There are 60 plots this year - nine of those are refugee families and one for a Boy Scout Troop. They are working on putting on classes and workshops throughout the season. This garden helps provide physical activity and builds a sense of community.

Mikey – Scout Troop 3050- commented on what a good learning experience this garden has been and shown them how fun gardening can be.

Pam Hanrahan – 4961 Waimea Way. She would like to see the garden extended for this to provide more space for refugee families to garden.

Rep. Carol Spackman Moss. The Holladay Community Garden is a good model of community gardening. It serves a practical purpose, builds community, provides hands on experience and brings in newcomers to the area. Many don't have the space to have a garden and this provides them that opportunity as well as setting the standards for sustainability. If this garden is displaced the city needs to look at another place to have the garden.

Paul Whitehead – 4650 Hugo Ave. Thanked the Mayor, Council, Manager Fitts and Tosh Kano for their help in mitigating the traffic problems in their area. The closure of Locust has improved safety and generated traffic calming in the area.

IV. *Public Hearing on Amendments to the General Plan – City Center Master Plan (City Hall Park and Fire Station)*

Mayor Webb stated that the Council and Planning Commission have reviewed the plans, there have been open houses and the Planning Commission has held their public hearing and made a recommendation to the Council.

James Glascock – Consultant. He provided a brief overview of the design and project. This project was designed to provide as many different activities and variety of city use for Holladay citizens. The park will tie into the Village Center through walking paths. Other amenities in the park include restrooms, gazebo, exercise stations. Behind City Hall on either side the proposed remodeling or enlarging the parking area and creating a commons area tied to a larger pavilion area in between the parking stalls. The intent in the park was to allow for as many ball fields as possible. Two little league baseball fields were proposed, two softball/baseball combinations, and two soccer/lacrosse fields. The project will be done in phases and most likely start with the parking and improvements along the frontage of 2300 East. It was noted that the General Plan is a guiding document and not a legally obligatory document. If the City were to adopt the plan as part of its long-range General Plan, the City would not have to build it that way, although it would be the guiding vision.

Mayor Webb opened the public hearing at 6:40pm

Mark Lambourne – representing Olympus Lacrosse. He commented that more athletic fields are needed in the city and this park will be a wonderful start. If it is built, it will be used and filled. He noted that

lacrosse is the fastest growing sport at every age level. In grades 3-12 there are over 213 kids involved. Lacrosse is not a sanctioned sport, but a club so they receive no funding and are not able to use the field at Olympus High. They are grateful for the use of the field and there is a need for more open, recreation space.

Marta Dopita & Anna Kacinski – Holladay Youth City Council. They asked the city to set the example in the use of suitable and sustainable landscape materials as well as environmental friendly construction material. They expressed concern about the ice rink, especially during the summer. Mr. Glascock replied that the rink would not be permanent. They also had some recommendations: drinking fountains, bike racks, art wall or art tiles and sculptures. Lastly, they expressed concern over the rebuilding of the stone seating structure. They would like to see it preserved because it has some history and adds character.

Doug Stark – He asked how many ball parks the city needs, when there are school and church grounds that can be used. He feels the park is mainly for the youth and suggested doing a combination of a park and community garden at the fire station property.

David Wright – Aix LaChappelle. The 2210 site has is one of the unique areas in Holladay and he would like to see the community garden stay and expand in that area. He would like to see the fire station rebuilt on its current site.

Mayor Webb closed the public hearing at 7:11 pm.

V. *Consideration of Resolution 09-10 Authorizing the Mayor to Execute an Agreement with Salt Lake County for the 2009 Election*

Council Member Pace moved to adopt Resolution 09-10 with one minor amendment: include the not to exceed amount in the agreement. Council Member Orton seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace Pignanelli, Topham, Palmer and Mayor Webb in favor. Resolution 09-10 was adopted by a unanimous vote.

VI. *Consideration of Resolution 09-11 Authorizing the Delivery of a Letter to Cottonwood Heights Council Opposing the Proposal to Increase the Height of the Old Mill IV Building*

Council Member Palmer moved to adopt Resolution 09-11 with the following additions: fundamental fairness, other remaining sites will want to build to 12 stories, and the developer stated that a six-story building would do and be profitable. Council Member Pace seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Pignanelli, Topham, Palmer and Mayor Webb in favor. Resolution 09-11 was adopted by a majority vote.

Mayor Webb encouraged the Council to act expeditiously and make the changes, get it signed and delivered to Cottonwood Heights.

VII. Consideration of Resolution 09-12 Regarding Condemnation of Property Located at 2210 E 3900 S (3910 Feramorz Dr) Owned by the Athena Serroukas Angelos Trust

This property is needed for the 3900 S Reconstruction project. This grants a temporary construction easement and a portion of the parcel.

Council Member Orton moved to adopt Resolution 09-12. Council Member Topham seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Topham, Pignanelli, Palmer and Mayor Webb in favor. Resolution 09-12 was adopted by a unanimous vote.

VIII. Consideration of Resolution 09-13 Regarding Condemnation of Property Located at 1990 E 3900 S Owned by Tony Vina, Sherry Vina, Anthony Vina & Rhett Vina

This property is needed for the 3900 S Reconstruction project. This grants a temporary construction easement and a portion of the parcel. The owners have made some demands and have been uncooperative.

Council Member Topham moved to adopt Resolution 09-13. Council Member Orton seconded the motion.

Council Member Pace moved to suspend the rules to allow public comment. Council Member Palmer seconded the motion. The Council voted in the affirmative and the motion carried.

Sherry Vina – owner. She feels they have not been unreasonable and were offered a fair price. All she is asking for is some type of barrier on an already dangerous corner. Also the sewer and water lines will have to be redone due to the age of the pipes. All she is asking for is consideration.

Council Member Pace made a substitute motion to approve Resolution 09-13 as prepared but to defer action as long as possible for continued dialogue. Council Member Palmer seconded the motion. The Council roll call vote was as follows: Council Members Pace, Pignanelli, Topham, Palmer and Mayor Webb in favor with Council Member Orton opposed. Resolution 09-13 was adopted by a majority vote.

IX. Consideration of Resolution 09-14 Authorizing the City Manager to Approve the Holladay Village Project Action Memorandum

The purpose of the Memo is to outline the process for removal of contaminated soil and the documentation that is needed for that removal.

Council Member Orton moved to adopt Resolution 09-14. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Topham, Pignanelli, Palmer and Mayor Webb in favor. Resolution 09-14 was adopted by a unanimous vote.

X. City Manager's Report – Randy Fitts

Manager Randy Fitts reported on the following items:

- Village construction has begun. The city is sending out weekly updates and has a link on the website for further information. There have been no complaints so far.
- Fibertel is 10 days behind schedule and in order for them not hold up Harper, he has given them permission to work at night.
- Salt Lake County has given the city 150 free landfill vouchers for the month of May and that will be advertised in the newsletter. Also on May 16 there will dumpsters available at city hall for residents.

- Making progress with the Police District. Starting costs are being absorbed by the County. For the year there has been a reduction in the Sheriff's contract for the next fiscal year.
- The County supports rebuilding the fire station. He is meeting with our congressional representatives on funding.
- Next week we will be starting the citywide roadway improvement project.

XI. Council Reports

Council Member Palmer reported on the Annual Taxing Entity Committee meeting held on Wednesday. The different RDA projects were reviewed. Our biggest success story is the Olympus (Millrock) EDA which brought in \$2.3 million in tax increment and they created more high tech jobs than were required. He commented that General Growth is not bankrupt and is in voluntary Chapter 11 – reorganization. They are cash flow positive but the problem is the long terms debts that are coming due and they are unable to refinance due to the economy. They are simply trying to solve debt issues. . Once the market improves the project is in a good position to go vertical quickly. The project is designed in blocks and can be built in different sequences depending on the market needs. Council Member Palmer also reported that the letter has been sent regarding the HAM radio tower and gives them 90 days to come into compliance. The Planning Commission is working on an ordinance.

Council Member Orton commented on the closure of Locust. He has only had one negative comment, the rest have been positive.

XII. Adjourn to Work Meeting

There being no further business. Council Member Pignanelli moved to adjourn the Council meeting and convene to a work meeting in the Mt. Olympus Room. Council Member Pace seconded the motion. The meeting adjourned at 7:52 pm.

The minutes for the work meeting follow

WORK MEETING – April 23, 2009

ATTENDANCE

Mayor Dennis Webb
Lynn Pace
Patricia Pignanelli
J. James Palmer
Barry Topham
Grant Orton - excused

City Staff
Randy Fitts, City Manager
Stephanie Carlson, City Recorder
Ryan Bjerke, Legal Counsel
Clarence Kemp, City Engineer
Paul Allred, Community Development Dir.

Mayor Webb convened the Council in a work meeting at 8:00 pm and asked Council Member Palmer to conduct the work meeting. Council Member Orton was excused.

Procedural Discussion for Temporary or Permanent Road Closure at Locust Lane and Hugo Ave.

Council Member Pace stated that the City Manager can close a road on a temporary basis. There needs to be a public hearing and a formal decision/vote of the Council. The letter sent home with the children stated this was a “permanent” closure, but state law requires a process before a road is closed. Manager Fitts can do it on a temporary basis to deal with construction related issues. The city does not have any numbers or what the traffic pattern will be like after constructions. He favors a temporary closure and is willing to authorize a closure for as long as construction is an issue.

Council Member Palmer commented that because the city did not go through the process, the closure is temporary. He asked legal counsel to check the ordinance or if it had to temporarily closed every 30 days or could be for an indefinite amount of time. At some point this needs to be brought back to the Council to make it permanent.

Council asked staff to research if there has been a public hearing, what the definition of temporary closure is and what the new legislative bill says about road closures.

The Council would like to start the process as soon as possible to make this a permanent road closure. After five years, there needs to be a conclusion to this matter.

Preliminary Discussion on 2009-10 Budgets

Manager Fitts is still working on gathering numbers from the County for public works, sheriff’s dept., and UFA. Sales tax is down 4% and there will be a decrease in the municipal telephone tax. He reviewed some of the numbers for each department. He will be working on the numbers and will schedule meetings with each of the Council to review the tentative budget once all the numbers are in.

Discussion on Capital Projects and Funding

Clarence Kemp and Mr. Fitts reviewed the Capital Projects Overview handout for 2009. There is a list of projects, and estimated cost and potential funding sources for all of the projects. The Council reviewed the handout and will use this when going over the budget on what can be funded in the 2009-2010 budget.

Discussion on Proposed Ordinance Amendments

The Council reviewed the staff reports and recommendations from the Planning Commission on the following:

Fences on Corner Lots and private rights of way

Livestock

Setback Regulations

Mr. Allred went over some of the amendments and the Council discussed some changes or modifications. The Council asked for these items to be scheduled for a public hearing and for staff to work with the city attorney to get them in final draft form.

The Council reviewed the drafts of the following proposed ordinances.

Term Limits of Elected Officials

The Council had some questions about the Mayor running for Council and vice versa. They would like to see that clarified

Campaign Finance

The Council felt the proposed limit to a campaign was too low. They also would like to see the section on contributions being limited to individuals in the district removed, it is unconstitutional. Also, the campaign finance election law addresses anonymous donations so that section could be deleted. Finally, any excess contributions would be returned to the donor with a threshold. The Council asked for those changes to be made and to have put it back on the work meeting agenda. Legal counsel also asked for feedback and other suggestions before the next meeting so that all the issues could be addressed.

XI. Adjourn

There being no further business, Mayor Webb moved to adjourn the meeting with Council Member Topham seconding the motion. The meeting adjourned at 10:30 pm.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday April 23, 2009.

Stephanie N. Carlson, CMC
Holladay City Recorder

Dennis R. Webb, Mayor

Minutes approved: 5-7-09